

Notice of Allowability

Application No.

09/944,774

Examiner

Lynda M Salvatore

Applicant(s)

YAHIAQUI ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/28/03.
2. ☒ The allowed claim(s) is/are 1-25 and 51-74.
3. ☒ The drawings filed on 31 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Chistos S. Kyriakou on November 21st, 2003.

IN THE CLAIMS

In claim 9, line 2 delete - -7- - and replace/insert with "6".

In claim 12, line 2 delete - -7- - and replace/insert with "8"

In claim 64, line 2 delete - -7- - and replace/insert with "6".

In claim 67, line 2 delete - -7- - and replace/insert with "8".

DETAILED ACTION

Response to Amendment

1. Applicant's amendments and accompanying remarks filed after Final on October 28th, 2003 have been carefully considered and entered. The Specification and claims 1,12,23, and 51 have been amended as requested. Applicant's amendments to the specification have been found sufficient to overcome the new matter objection as set forth in section 3 of the Final Office Action. Applicant cancelled "top layer" and added clarity to the paragraph regarding the maximization of the utilization of superabsorbent material. As such, this objection is withdrawn. Applicants amendments to claim 12 has been found sufficient to overcome the 35 U.S.C. 112 second paragraph rejection set forth in section 5 of the last Office Action. Applicant amended claim 12 to include a complete pH range. As such, this rejection is withdrawn. Applicant's amendments to claims 1,23, and 51 have been found sufficient to overcome the rejection of claims 1-5,15-25,51-61, and 70-74 rejected under 35 U.S.C. 102(a) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Quincy et al., WO 00/50098. Applicant amended claims 1,23, and 51 to include the previously indicated allowable limitations recited in claims 6,7,62 and 63. As such this rejection is withdrawn. Accordingly, Applicant's amendments and accompanying remarks are found persuasive to patently distinguish claims 1-25 and 51-74 over the prior art of record for reasons set forth herein below.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: Claims 1-25 and 51-

As set forth in section 8 of the last Office Action, claims 6-14, and 62-69 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Specifically, these claims are allowable over the prior art of record since there is no teaching to an acidic or basic second substrate layer having pH values of those set forth in claims 9-14, and 64-69.

With regard to claims 1-5, 15-25 and 70-74, the prior art fails to teach or fairly suggest a composite material comprising a first and second layer substrate, a surfactant applied to the first layer substrate which lowers the surface tension of the first layer and said second layer is acidic or basic and substantially inactivates the surfactant applied to the first layer substrate. An updated art search did not produce any new substantial art for which to base a rejection and presently there is no motivation or suggestion to combine references to form an obvious type rejection.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070. The examiner can normally be reached on M-F.

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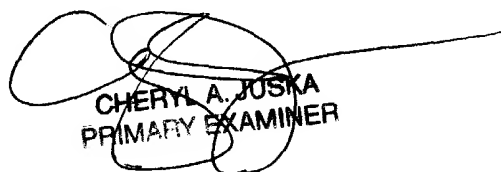
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

November 30, 2003

Is



CHERYL A. JUSKA
PRIMARY EXAMINER